IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 306 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE H.H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

VALJIBHAI GAGJIBHAI PATEL

Versus

SAGAR BUILDERS

Appearance:

MR SURESH M SHAH for Appellant

RULE SERVED for Respondents No. 1,4-6

MR AR THAKKAR for Respondents No. 2-3

CORAM : MR.JUSTICE H.H.MEHTA

Date of decision: 16/01/2002

ORAL JUDGEMENT

1. Heard Mr.S.M.Shah, learned advocate for the appellant and Mr.A.R.Thakkar, learned advocate for the respondent Nos.2 and 3. The respondent Nos.1, 4 to 6 are absent though duly served.

2. As a result of arguments in detail and discussion with the learned advocates for both the parties and looking to the facts and circumstances of the case, it is desirable that this appeal may be disposed of by giving suitable direction to the trial Court and accordingly, the following directions are given :-

[i] The learned Judge of the trial Court is directed to decide and dispose of Special Civil Suit No.44 of 1999, which is pending on the file of learned 4th Joint Civil Judge (S.D.), Jamnagar, as expeditiously as possible preferably on or before 31st December, 2002.

[ii] Meanwhile, the order dated 18th June, 1999 passed by this Court (Coram : A.M.Kapadia,J.) in Civil Application No.5598 of 1999, shall remain operative and effective till the final disposal of the suit. Copy of the said order dated 18th June, 1999 passed in Civil Application No.5598 of 1999 be sent alongwith writ of this order to the trial Court.

3. In view of the directions given hereinabove, this appeal shall stand disposed of. No order as to costs.

(H.H.Mehta,J.)

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